

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00509-RJC-DCK**

AMY WORLEY HAGY, as Personal)
Representative of the ESTATE OF JESSE)
JAMES WORLEY,)
)
Plaintiff,)
)
v.)
)
ADVANCE AUTO PARTS, INC.; ACE)
AMERICAN INSURANCE COMPANY;)
SEDGWICK CLAIMS MANAGEMENT)
SERVICES, INC.; and INDEMNITY)
INSURANCE COMPANY OF NORTH)
AMERICA,)
)
Defendants.)

ORDER


THIS MATTER comes before the Court on Plaintiff’s Motion for Reconsideration, (Doc. No. 28), and accompanying memorandum, (Doc. No. 29), asking this Court to reconsider and vacate its September 28, 2016 order dismissing Plaintiff’s supplemental cause of action for a violation of the North Carolina Unfair and Deceptive Trade Practices Act for failure to state a claim, (Doc. No. 27). Specifically, Plaintiff asks this Court to reconsider its decision because another court in the Western District of North Carolina came to a different conclusion on the same issue around the same time that this Court issued its decision.¹ (Doc. No. 29 at 2–3); see Richardson v. PCS Phosphate, Inc., 3:16-cv-00068-GCM, 2016 WL 4728109, at *5 (W.D.N.C. Sept. 9, 2016). Having carefully reviewed Plaintiff’s motion and memorandum, Defendants’

¹ Although the legal issue was essentially the same, the two cases involved different facts and the parties presented different arguments. Point in case, Defendants’ meritorious argument in this matter was not addressed in the other Western District case with which Plaintiff suggests this Court’s September 28, 2016 order is in conflict.

memorandum opposing Plaintiff's motion, and the decision in Richardson, this Court stands by its September 28, 2016 Order and the legal reasoning therein and **DENIES** Plaintiff's Motion for Reconsideration.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Reconsideration, (Doc. No. 28), is **DENIED**.

Signed: April 12, 2017



Robert J. Conrad, Jr.
United States District Judge

